

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3418 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge?
No.

SONAJI KALAJI

Versus

DISTRICT COLLECTOR

Appearance:

MR MUKUL SINHA for Petitioner

NANAVATI ASSOCIATES for Respondent No. 2

MR VB GHARANIYA, Ld. AGP for Respondent No.1

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 13/08/98

ORAL JUDGEMENT

Rule. Mr. V.B. Gharaniya, learned AGP waives service of rule on behalf of the respondent no.1. Mr. K.S. Nanavati waives service of rule on behalf of respondent no.2.

2. The petition is filed by the petitioner-Gujarat Mazdoor Sabha seeking a direction to the respondent no.1 Deputy Collector of Ahmedabad, to take appropriate steps for the purpose of recovery of the wages certified by the Certificate dated 12.1.98.

3. In this petition, the respondent no.2-employer of the workmen has approached before this court and has stated that the employer is trying to negotiate and trying to get maximum possible price for the property. That they intend to pay the dues not only to the petitioner but also to the other workmen. It is further submitted that the negotiations are going on and the employer wants a week or two for final settlement but in case if the Collector happened to attach and seized the property then there would be a difficulty in getting the good and appropriate price.

4. As against this, it is submitted by the petitioners that they are suffering for nearly six years and the further delay in recovering the amount should not be allowed.

5. As stated earlier, the present petition is only a petition for issuing a direction to the Collector to recover the amount of certificate in favour of the present petitioner. The Collector has appeared before this court and it was stated that appropriate steps are being taken for recovering the said amount. The Collector has to recover the amount as per the provisions of Land Revenue Code. Under the said provisions of the Land Revenue Code, it is open for the Collector to attach and sold the portion of the property which is sufficient to recover the amount under the certificate. It is for the Collector to take the appropriate steps. It is not possible for this court to control and give any direction as to how the Collector should act in taking steps for recovery the amount. I can only issue a direction to the Collector to see that the present petitioner get their amount within a stipulated period. I would, therefore, direct the Collector to take appropriate steps to see that there is a recovery and payment of all the dues under the certificate to the petitioner within eight weeks. It will be open for the employer to approach the Collector and to satisfied him whatever the proposal they have got but in any case the Collector should recover the amount within eight weeks from today.

6. Rule is made absolute in the above terms.
Petition stands disposed of with no order as to costs.

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